

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 have been rejected.

Reconsideration of the Claims is respectfully requested in view of the below remarks.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-8 and 13-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tamai et al. (US Patent No. 7,031,946B1). These rejections are respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant initially notes that the rejections presented in this Office Action based on Tamai et al. again contain no discussion or explication of the contents of Tamai et al. Instead, this Office Action again basically provides copies of Claims 1-8 and 13-24, with citations to passages from Tamai et al. inserted parenthetically at selected points in the copied claims to indicate where the various claim limitations are allegedly found in Tamai et al. Such summary allegations of anticipation are clearly insufficient in view of, for example, 35 U.S.C. § 102 and 37 CFR § 1.104(c)(2). In particular, 35 U.S.C. § 102 states that “[a] person shall be entitled to a patent unless” the prior art reference describes the invention. This is of course an axiomatic aspect of U.S. Patent Law -- that the Patent Office, not the Applicant, bears the burden of proof with respect to anticipation. Furthermore, 37 CFR § 1.104(c)(2) states that “[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, ... [t]he pertinence of each reference, if not apparent, must be

clearly explained” (emphasis added). Thus, the aforementioned parenthetical citation technique employed in this Office Action manifestly fails to provide any explanation as to the pertinence of Tamai et al., much less the clear explanation that is required by 37 CFR § 1.104(c)(2).

Nevertheless, despite the fact that the pending Office Action is again deficient with respect to at least 35 U.S.C. § 102, 37 CFR § 1.104(c)(2), and MPEP § 707.07(f), Applicant has, once again in the interest of expediting prosecution, carefully studied the aforementioned parenthetical citations, and addressed each of them below.

A. Tamai et al., column 15, lines 4-11

Independent Claim 1 recites (a similar feature can be found in independent Claim 13) *“retrieving a waveform and at least one code associated with the waveform from a storage media.”* This exemplary feature has not been found in Tamai et al. The passage at lines 4-11 of column 15 of Tamai et al. merely describes the generation of a pulse signal wave based on an identification code. There is nothing in this passage that teaches or suggests the retrieval of a waveform from a storage media. In view of the foregoing discussion, Applicant respectfully submits that the passage in Tamai et al. at lines 4-11 of column 15 does not teach the above-quoted feature of the claimed invention.

B. Tamai et al., column 15, lines 56-63

Independent Claim 1 recites (a similar feature can be found in independent Claim 13) *“retrieving at least one key associated with said signal generator.”* This exemplary feature also has not been found in Tamai et al. The passage at lines 56-63 of column 15 of Tamai et al. discusses the retrieval of an area key (K1 or K6) and the encryption of a random number using the area key. The term “area key” is defined on column 11, lines 59-62 as “area key

K1 for accessing a stage area of the radio IC tag 80 which the reader/writer is permitted to access, and area key K6 for accessing a common area of the radio IC tag 80.” Thus, the area keys K1 and K6 in Tamai et al. are not associated with a signal generator, but rather a physical location of a radio IC tag.

In view of the foregoing discussion, Applicant respectfully submits that the passage in Tamai et al. at lines 56-63 of column 15 does not teach the above-quoted feature of the claimed invention.

C. Tamai et al., column 15, lines 26-43

Independent Claim 1 recites (similar features can be found in independent Claim 13) “comparing said at least one code associated with said waveform and said at least one key; and downloading said waveform to said signal generator under condition that said at least one code matches said at least one key.” These exemplary features have also not been found in Tamai et al. The passage at lines 26-43 of column 15 of Tamai et al. merely describes the generation of a pulse signal wave based on the identification and the encrypted random number. There is no teaching or suggestion that the identification code is compared to the encrypted random number. In addition, there is no teaching or suggestion that a waveform is downloaded under condition that the identification code matches the area key.

In fact, Applicant asserts that it is not possible in Tamai et al. for the identification code to match the area key. The term “identification code” is defined on lines 52-53 of column 11 of Tamai et al. as follows: “identification codes that each identify a radio IC tag.” Since the term area key is defined in Tamai et al. (as mentioned above) as identifying a physical location, there is no teaching or suggestion in Tamai et al. that would lead one skilled in the art to compare identification codes to area keys or to attempt to match any identification code to an area key.

In view of the foregoing discussion, Applicant respectfully submits that the passage in Tamai et al. at lines 26-43 of column 15 does not teach the above-quoted features of the claimed invention.

As demonstrated above, Tamai et al. does not teach each and every element of independent Claims 1 and 13 (and their dependent Claims 2-8 and 14-24) arranged as they are in the claims. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102(e) rejections of Claims 1-8 and 13-24.

II. REJECTIONS UNDER 35 U.S.C. § 103

Claims 9 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamai et al. in view of Reitmeier (US Patent No. 6,560,285), and Claims 10-12 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamai et al. in view of Rajsuman (US Patent No. 5,963,566). These rejections are respectfully traversed.

The aforementioned Claims 9-12 and 25-28 recite all of the exemplary features discussed above with respect to the rejections of Claims 1-8 and 13-24. Both Reitmeier and Rajsuman fail to remedy the above-described deficiencies of Tamai et al., so the rejections of Claims 9-12 and 25-28 are overcome for the same reasons given above with respect to the rejections of Claims 1-8 and 13-24. Therefore, Applicant respectfully requests withdrawal of the § 103 rejections of Claims 9-12 and 25-28.

III. CONCLUSION

As a result of the foregoing, the Applicant asserts that all Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number or email address indicated below.

Respectfully submitted,

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